

## **NEW MEXICO**

New Mexico ranks 32nd among the states in number of local governments, with 863 as of October 2007.

### **COUNTY GOVERNMENTS (33)**

There are no areas in New Mexico lacking county government. The county governing body is called the board of county commissioners. There are nine classes of counties, classified on the basis of assessed valuation and population. Although Los Alamos County is incorporated and performs municipal as well as county-type services, it is designated a county and is accordingly counted for census purposes as a county government.

### **SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (101)**

#### **Municipal Governments (101)**

Municipal governments in New Mexico are the cities, towns, and villages. There are no significant differences among the various classes of municipalities that would affect their classification for census statistics. The minimum population requirement for incorporation is 150.

#### **Township Governments (0)**

New Mexico has no township governments.

### **PUBLIC SCHOOL SYSTEMS (96)**

#### **School District Governments (96)**

The following types of school districts in New Mexico are counted as separate governments for census purposes:

School districts  
Community college districts--1963 law  
Technical and vocational institute districts

An elected board governs each school district. School districts may levy ad valorem taxes

and, upon voter approval, issue general obligation bonds. They may also issue revenue bonds upon approval by the state board of education.

Community college districts under the 1963 law were established by petition of voters to the state board of educational finance, after voter approval. A community college board, initially appointed by the state board of educational finance but thereafter elected, governed each community college district. Community college districts may have operated community colleges, levied ad valorem taxes, and issued bonds. No new community colleges may be created after 1998 under the 1963 law; however, they may still be created specifically by the state legislature. Four community colleges in New Mexico operate under this law.

Technical and vocational institute districts are established by petition of school districts, upon approval by the state board of education. The initial board of such districts consists of representatives of the creating districts, but successor board members are elected. Technical and vocational institute districts may fix tuition and fees, levy ad valorem taxes, and issue bonds.

#### **Dependent Public School Systems (0)**

New Mexico has no dependent public school systems.

#### **Other Educational Activities**

The regional education cooperatives, which provide services to member school districts, are classified, for census reporting, as dependent activities of the state government and are not counted as separate governments.

Branch community colleges may be created by the state legislature. They are governed by the board of regents of an existing state university in consultation with an advisory board consisting of members appointed by local school districts. An advisory board may be popularly elected by local option. Financing is provided through tuition, state aid, and a

property tax levied by the member school districts. The member school districts may also issue bonds on behalf of the college. For census statistics, a branch community college is classified as a dependent activity of the parent state university or college and is not counted as a separate government. No branch community college districts may be created after January 1998 unless specifically created by the state legislature.

Learning center districts may be created in a school district or community college district upon adoption of a resolution by the local school board or community college board, subject to approval by the commission on higher education. The board members that create the learning center district also serve on the board of the district. The board may levy a property tax. Learning center districts are extensions of educational institutions and are not counted as separate governments for census purposes.

## **SPECIAL DISTRICT GOVERNMENTS (633)**

New Mexico statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

### **Community Ditches and Acequias**

These entities are established by three or more property owners for purposes of irrigation and drainage, ditches, and acequias. They are governed by three elected commissioners and one supervisor. A ditch or acequia may levy assessments, collect fines, and issue special obligation bonds.

Ditches and acequias consisting of only one or two property owners are classified as private entities. They are not counted as governments.

### **Community Land Grants**

These consist of grants of land originally made before 1848 by the Spanish or Mexican governments for common use. An elected

board of trustees manages each grant. The trustees may fix and collect charges for the use of the land. Similar provisions apply to community land grants established under special acts and to corporations for the management of community land grants.

However, corporations for management of land grants that have reorganized as domestic stock corporations are classified as private entities. They are not counted as governments.

## **Conservancy Districts**

New Mexico statutes authorize the following types of conservancy districts:

**Artesian conservancy districts**--These districts are created by the district court on petition of landowners to conserve artesian waters after public hearing. An elected board of directors governs district. The district may levy ad valorem taxes and borrow money.

**Conservancy districts**--Conservancy districts are established by the district court for flood control, drainage, irrigation, and water storage purposes upon petition of landowners, after a public hearing. These districts have elected boards, except for those districts having over 100,000 acres and covering fewer than four counties; such districts have a board of directors appointed by the district court. The districts may impose special benefit assessments and charges for water sales and may issue bonds.

## **Cotton Boll Weevil Control Districts**

These districts are established to control infestations and threats to cotton producers by the boll weevil after petition to the director of the Department of Agriculture, public hearing and approval by two-thirds of the cotton producers within the proposed district. A board, of no less than three and no more than seven members, governs each district. The districts may levy special assessments.

## **Drainage Districts**

New Mexico statutes authorize the following types of drainage districts:

Drainage districts established by district court

Drainage districts within federal reclamation projects (established by county board of commissioners)

Drainage districts established by the district court are created on petition of landowners and after a public hearing. An elected board of drainage commissioners governs each district. The districts may levy special benefit assessments and issue revenue bonds.

Drainage districts within federal reclamation projects are established by the county board of commissioners to provide for drainage of agricultural lands on petition and after referendum. An elected board of directors governs each district. The districts may levy special benefit assessments and issue bonds upon voter approval.

No drainage districts were reported to be in existence as of October 2007.

## **Economic Advancement Districts**

Districts for the acquisition of projects to promote industry and trade are established by petition of voters after referendum. An elected board of trustees governs each district. The districts may obtain revenue from the lease or sale of property, levy ad valorem taxes, and issue bonds.

## **Flood Control Authorities**

The following flood control authorities have been established by special act to provide flood control facilities:

Albuquerque Metropolitan Arroyo Flood Control Authority

Eastern Sandoval County Arroyo Flood Control Authority

Las Cruces Metropolitan Flood Control Authority

Southern Sandoval County Arroyo Flood Control Authority

An elected board of directors governs these three districts, each of which may provide sewer facilities as well as flood control activities. These districts may levy ad valorem taxes and issue revenue or general obligation bonds after voter approval.

## **Flood Control Districts (1981 Law)**

These districts to provide flood control projects are created by the district court on petition of the voters followed by a public hearing and by voter approval. An elected board of directors governs each district. The districts may receive revenue from contracts, levy ad valorem taxes, and issue bonds.

## **Irrigation Districts**

The following types of irrigation districts may be established by the county board of commissioners on petition and after referendum:

Electrical irrigation districts

Irrigation districts (also known as water or conservancy districts)

Irrigation districts cooperating with the United States under reclamation laws

An elected board of directors governs each district of these types. These districts may levy property taxes and special assessments, fix charges, and issue bonds upon voter approval. Electrical irrigation districts and irrigation districts cooperating with the United States under reclamation laws may generate and sell electric power.

Improvement districts created within irrigation districts are classified as dependent activities

of the irrigation districts creating them and are not counted as separate governments.

### **Metropolitan Water Boards**

These boards are created by joint resolution of a county and a municipality. The district board includes one member appointed by the county, one appointed by the municipal governing body, seven elected by the voters, and, provided certain conditions are met in class B counties, one selected by the principal private water company in the municipality. The board may fix fees, charges, leases, and rentals, and may issue bonds.

No metropolitan water boards were reported in existence as of October 2007.

### **Pink Bollworm Control Districts**

Pink bollworm control districts are established by petition to the director of the department of agriculture, subject to approval and referendum. Two-thirds of cotton producers residing in the intended area of the district must vote to approve the creation of the district, and at least 50 percent of all remaining voters in the district must also vote to approve before the district can be established. A control committee consisting of between three and seven members governs the district. They are selected by all eligible cotton producers in the district. The committee may levy a property assessment and fix fees for eradication of pink bollworms.

### **Regional Housing Authorities**

These authorities, each of which covers several counties, were established by special act. A board of commissioners, appointed by the governor, governs each authority. The authorities may accept grants and loans, fix rents, and issue bonds.

Housing authorities serving a single county or municipality are not counted as separate governments. See "Subordinate Agencies and Areas," below.

### **Regional Transit Districts**

These districts are established to finance, construct, operate, and maintain regional transit systems. The districts may fix rates, fees, and charges, as well as issue revenue bonds and accept gifts. A board of directors, composed of elected officials appointed by the governing bodies of members, governs each district.

### **Soil and Water Conservation Districts**

Soil and water conservation districts are created to provide for soil and water conservation and flood control by the state soil and water conservation commission on petition of landowners and after hearing and referendum. An elected board of supervisors governs each district. The districts may require contributions, lease property, and, with voter approval, levy ad valorem taxes.

Watershed districts may be formed as subdistricts of a soil and water conservation district upon petition of landowners and after hearing and referendum. An elected board of directors governs each watershed district. Subject to the approval of the board of supervisors of the soil and water conservation district, watershed districts may levy ad valorem taxes and, after public hearing and local referendum, issue bonds. Watershed districts are classified as dependent activities of soil and water conservation districts and are not counted as separate governments.

### **Solid Waste Authorities**

The power to create these authorities was established under 1993 legislation providing for the acquisition, maintenance, and operation of solid waste management projects. Authorities are created by the county special district commission following a petition by the interim solid waste board and a public hearing. An elected board of directors governs each authority. The authority may issue general obligation bonds, and, upon voter approval, collect ad valorem taxes.

## **Special Hospital Districts**

These districts are created by the county board of commissioners to provide, operate, and maintain hospital facilities on petition and after local referendum. An elected board of trustees governs each district. The districts may fix charges, and, after voter approval, may levy ad valorem taxes and issue general obligation bonds.

## **Water and Sanitation Districts**

A general law provides for the creation of these districts by the district court on petition of voters and after hearing and referendum. In addition to providing water and sewer service, these districts may construct streets and street improvements, and park and recreational facilities. An elected board of directors governs each district. The districts may levy ad valorem taxes, fix tolls and charges, and issue bonds.

## **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in New Mexico that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments, or Indian tribes, or as private rather than governmental activities, and are not counted as governments. Legal provisions for some of the larger of these are discussed below (see "Public School Systems," above, regarding educational agencies of this nature).

### **Housing authorities (county or municipal).**

Each housing authority serving a single county or municipality is created by resolution of the county or municipal governing body. A board of five commissioners, appointed by the board of county commissioners (in the case of a county housing authority) or by the mayor (in the case of a municipal housing authority) governs each authority. Housing authorities may fix rents, but bonds and notes issued for the benefit of such authorities are issued by the parent county or municipal government.

**Indian pueblos (tribal).** Pueblos in New

Mexico have many of the powers of local governments but are not counted as governments for census reporting.

**New Mexico Mortgage Finance Authority (state).** This authority was created by act of the legislature to provide mortgage credit for low-income housing. A seven-member board governs the authority, of whom four are appointed by the Governor, plus the director of the financial institutions division of the regulation and licensing department, the state treasurer, and the attorney general, who serve in an ex officio capacity. The authority may fix fees and charges in connection with its loans and may issue revenue bonds.

Other examples include:

### **State**

Agricultural commodity commissions  
Border Authority  
Fruit marketing districts  
Grasshopper control districts  
Health districts  
Herd law districts  
Industrial and Agricultural Finance Authority  
Local armory boards  
New Mexico Educational Assistance Foundation  
New Mexico Exposition Center Authority  
New Mexico Finance Authority  
New Mexico Hospital Equipment Loan Council  
New Mexico Organic Commodity Commission  
New Mexico Renewable Energy Transmission Authority  
New Mexico State Fair Commission  
New Mexico Student Loan Guarantee Corporation  
One-variety cotton districts  
Public School Insurance Authority  
Regional Spaceport Authorities  
Solid waste districts (1990 law)  
Spaceport Authority  
State Armory Board  
University research park corporations  
Water districts

### **County**

Bi-State Fair Association (Curry County)

County improvement districts  
Emergency flood districts  
Fire districts  
Historic districts  
Housing authorities (single county)  
Local arts & cultural districts (county)  
Noxious weed control districts  
Parking authorities (Los Alamos County only)  
Refuse disposal districts  
Road districts  
Special zoning districts  
Wind erosion districts

### **Municipal**

Albuquerque Bernalillo County Water Utility  
Authority  
Business improvement districts  
Community development agencies  
Historic districts

Housing authorities (single municipality)  
Improvement districts for streets, sidewalks,  
sewer, water, parking, parks, or utilities  
Local arts & cultural districts (municipal)  
Metropolitan redevelopment boards or  
commissions  
Parking authorities  
Urban development agencies

### **Private associations**

Community ditches or acequias established by  
one or two property owners and water users'  
associations are classified, for census  
statistics, as private cooperatives. They are  
not counted as governments.

New Mexico laws also provide for various  
types of local areas for election purposes and  
administration of justice.